UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,638	05/31/2000	Marcos N. Novaes	POU9-2000-0010-US1	4280

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EXAMINER
WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 May 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-72_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _8-11,22,30-33,44,56-59 and 70_ is/are allowed.

6)☒ Claim(s) _1,4-7,12-21,23-29,34-43,45-55,60-69,71 and 72_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 4-72 have been re-examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 4-7, 12-21, 23-29, 34-43, 45-55, 60-69, and 71-72 are rejected under

35 U.S.C. 103(a) as being unpatentable over Christensen et al. (US 6330605 B1) in

view of Freund (US 5987611 A).

INDEPENDENT:

As per claims 1, 25, and 51, Christensen teaches a method (see col.22, line 45),

a system (see col.24, line 48), and at least one program storage device readable by a

machine tangibly embodying at least one program of instructions executable by the

machine to perform a method (col.24, lines 40-43), of providing ordered lists of service

addresses (see col.24, lines 14-15), comprising: creating an ordered list of service

addresses to be used by a client node (see col.4, lines 36-39 and col.6, lines 6-7) of a

computing environment to reach a service of said computing environment (see col.6, lines 37-43), said creating using a predefined equation (see col.5, lines 58-63) to order a plurality of service addresses having the same ordering criterion (see col.6, lines 43-45), said predefined equation balancing use of said plurality of service addresses among said client node and at least one other client node of said computing environment (see col.3, lines 14-26; col.5, lines 63-65; and col.7, lines 21-43); and using said ordered list by said client node to reach said service (see col.4, lines 63 to col.5, lines 6). Christensen does not explicitly teach wherein said ordered list is ordered specifically for said client node based on one or more characteristics of said client node. Freund teaches wherein said ordered list is ordered specifically for said client node based on one or more characteristics of said client node (see abstract: "Access rules can be defined by... a list of URLs (or WAN addresses) that a user application can (or cannot) use" and "the system can determine if a particular process in question should have access to the Internet and what kind of access... Internet address... is permissible for the given specific user"). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Freund within the system of Christensen by implementing an ordered list of addresses specifically for said client node based on one or more characteristics of said client node within the method, system, and program of providing ordered list of services because Christensen teaches that "In a basic network communication arrangement, clients are free to access any remote web site for which uniform resource locators (URLs) are available" (see col.1, lines 28-30), but it is implicit that communications arrangements are not basic (see

Freund: col.1, lines 31-66) and therefore, an ordered list of addresses specific to the client node based on "access rules" as taught by Freund would enable authentication between the client and the service or source provider.

As per claims 18, 40, and 66, Christensen teaches a method, a system, and at least one program storage device readable by a machine tangibly embodying at least one program of instructions executable by the machine to perform a method, of providing ordered lists of service addresses (see col.24, lines 14-15), comprising: ordering a list of a plurality of service addresses according to an ordering criterion (see col.4, lines 36-39 and col.6, lines 6-7); and for at least one set of service addresses of said plurality of service addresses having a same value for the ordering criterion, selecting an order for the service addresses of the set, said selecting being based at least in part on workload distribution (see col.3, lines 16-18 & 31-34; and col.6, lines 13-15). Christensen does not explicitly teach said ordered list being ordered for a specific client node based on one or more characteristics of the client node. Freund teaches ordered list being ordered for a specific client node based on one or more characteristics of the client node (see abstract: "Access rules can be defined by... a list of URLs (or WAN addresses) that a user application can (or cannot) use" and "the system can determine if a particular process in question should have access to the Internet and what kind of access... Internet address... is permissible for the given specific user"). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Freund within the system of Christensen by implementing an ordered list being ordered specifically for said client

node based on one or more characteristics of said client node within the method,

system, and program of providing ordered list of services because Christensen teaches

that "In a basic network communication arrangement, clients are free to access any

remote web site for which uniform resource locators (URLs) are available" (see col.1,

lines 28-30), but it is implicit that communications arrangements are not basic (see

Freund: col.1, lines 31-66) and therefore, an ordered list of addresses specific to the

client node based on "access rules" as taught by Freund would enable authentication

between the client and the service or source provider.

As per claim 47, Christensen teaches a system of providing ordered lists of

service addresses, said system comprising: at least one node of a computing

environment to create an ordered list of service addresses (see col.24, lines 14-15) to

reach a service of said computing environment (see col.2, lines 60-63), the creating

using a predefined equation (see col.5, lines 58-63) to order a plurality of service

addresses having the same ordering criterion (see col.6, lines 43-45), said predefined

equation balancing use of said plurality of service addresses among said node to use

the ordered list and at least one other node of said computing environment (see col.3,

lines 14-26; col.5, lines 63-65; and col.7, lines 21-43). Christensen does not explicitly

teach that the created ordered list of service addresses takes into consideration one or

more characteristics of the client node to be ordered specifically for and used by a client

node of the computing environment. Freund teaches of a created ordered list of service

addresses takes into consideration one or more characteristics of the client node to be

ordered specifically for and used by a client node of the computing environment (see

abstract: "Access rules can be defined by... a list of URLs (or WAN addresses) that a user application can (or cannot) use" and "the system can determine if a particular process in question should have access to the Internet and what kind of access... Internet address... is permissible for the given specific user"). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Freund within the system of Christensen by implementing an ordered list being ordered specifically for and used by said client node based on one or more characteristics of said client node within the method, system, and program of providing ordered list of services because Christensen teaches that "In a basic network communication arrangement, clients are free to access any remote web site for which uniform resource locators (URLs) are available" (see col.1, lines 28-30), but it is implicit that communications arrangements are not basic (see Freund: col.1, lines 31-66) and therefore, an ordered list of addresses specific to the client node based on "access rules" as taught by Freund would enable authentication between the client and the service or source provider.

As per claim 48, Christensen teaches a system of providing ordered lists of service addresses (see col.24, lines 14-15), said system comprising: at least one node to order a list of a plurality of service addresses according to an ordering criterion (see col.6, lines 43-45); and at least one node to select, for at least one set of service addresses of said plurality of service addresses having a same value for the ordering criterion, an order for the service addresses of the set, the selecting being based at least in part on workload distribution (see col.3, lines 16-23). Christensen does not

explicitly teach said ordered list being ordered for a specific client node based on one or more characteristics of the client node. Freund teaches ordered list being ordered for a specific client node based on one or more characteristics of the client node (see abstract: "Access rules can be defined by... a list of URLs (or WAN addresses) that a user application can (or cannot) use" and "the system can determine if a particular process in question should have access to the Internet and what kind of access... Internet address... is permissible for the given specific user"). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Freund within the system of Christensen by implementing an ordered list being ordered specifically for said client node based on one or more characteristics of said client node within the method, system, and program of providing ordered list of services because Christensen teaches that "In a basic network communication arrangement, clients are free to access any remote web site for which uniform resource locators (URLs) are available" (see col.1, lines 28-30), but it is implicit that communications arrangements are not basic (see Freund: col.1, lines 31-66) and therefore, an ordered list of addresses specific to the client node based on "access rules" as taught by Freund would enable authentication between the client and the service or source provider.

DEPENDENT:

As per claims 4, 26, and 52, Christensen further teaches wherein said ordering criterion comprises distance from said client node to a plurality of servers corresponding to said plurality of service addresses (see col.6, lines 13-15).

As per claims 5, 27, and 53, Christensen further teaches wherein said predefined equation is based at least in part on the number of said plurality of service addresses having the same ordering criterion and a node number of said client node (see col.7, lines 1-20).

As per claims 6, 28, and 54, Christensen further teaches wherein said creating comprises ordering said service addresses based on distance from the client node to servers of said service addresses (see col.6, lines 13-15).

As per claims 7, 29, and 55, Christensen further teaches wherein said ordering based on distance comprises ordering based on lowest distance (see col.6, lines 13-15: "geography"). It would be inherent that lowest distance would be selected first since Christensen teaches of improving "availability, performance and scalability of the service providers" (see col.3, lines 8-11), wherein distance is a time factor in communication.

As per claims 12, 34, and 60, Christensen further teaches wherein said service comprises a system registry service (see col.1, lines 13-16).

As per claims 13, 35, and 61, Christensen further teaches wherein said creating, is performed by a distributed configuration manager of said computing environment (see col.6, lines 37-40).

As per claims 14, 36, and 62, Christensen further teaches wherein-said distributed configuration manager provides said ordered list to one or more nodes of said computing environment (see col.6, lines 40-42).

As per claims 15, 16, 37, 38, 63, and 64, Christensen teaches of further comprising maintaining said ordered list comprising updating said ordered list in response to a change in the service addresses of said list (see col.6, lines 16-40 and col.7, lines 47-49).

As per claims 17, 39, and 65, Christensen further teaches wherein said maintaining is performed by at least one distributed configuration manager of said computing environment (see col.6, lines 37-40).

As per claims 19, 41, and 67, Christensen further teaches wherein said selecting comprises: indexing the service addresses of the set in a chosen order providing a set of indices corresponding to the service addresses of the set (see col.16, lines 35-47); and determining an order for the plurality of indices, said order to represent the order of the service addresses of the set (see col.11, lines 48-49 and col.24, lines 14-15).

Claims 20, 42, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al. (U.S. 6330605 B1). As per claims 20, 42, and 68, Christensen does not teaches wherein the chosen order is ascending order of service addresses. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The ordering of service addresses so that service is prioritized to functionally improve "availability, performance, and scalability of the service provider" (see col.3, lines 8-10) would be performed the

same regardless whether the order was ascending and read from top-down or

descending and read from bottom-up. Thus this ordering preference will not distinguish

the claimed invention from prior art in terms of patentability, see *In re Gulack*, 703 F.2d

1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowery*, 32F.3d 1579, 32

USPQ2d 1031 (Fed, Cir. 1994). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to elect to prioritize ascending

or descending so long as the functional objectives were met, because the subjective

implementation does not patentably distinguish the claimed invention.

As per claims 21, 43, and 69, Christensen further teaches wherein said

determining comprises using an equation to determine the order (see col.5, lines 58-

63), said equation being based at least in part on the number of said service addresses

(see col.8, lines 27-28) of said set and a node number of the specific client node (see

col.6, lines 16-23).

As per claims 23, 45, and 71, Christensen further teaches wherein said ordering

criterion is based on distance from said client node to a plurality of servers

corresponding to said plurality of service addresses (see col.6, lines 13-15).

As per claims 24, 46, and 72, Christensen further teaches wherein said ordering

criterion comprises a lowest distance from said client node to the plurality of servers

(see claim 7 rejection above).

As per claims 49 and 50, Christensen further teaches wherein said at least one

node to order is same or different from said at least one node to select (PMM orders

and PCC coordinator selects: see col.6, lines 34-43 and any PMM may be elected PCC

coordinator: see col.8, lines 32-34).

Allowable Subject Matter

3.   Claims 8-11, 22, 30-33, 44, 56-59, and 70 are allowed.
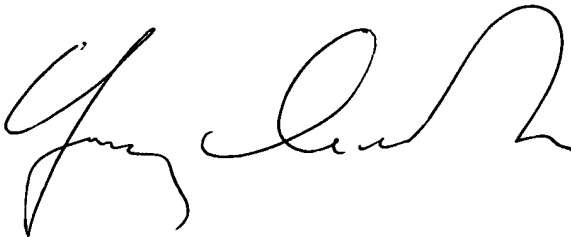
Response to Arguments

4.   Applicant's arguments with respect to claims 1, 18, 25, 40, 47, 48, 51,and 66

have been considered but are moot in view of the new ground(s) of rejection.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Young N Won whose telephone number is 703-605-

4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Young N Won

May 11, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER